

BEFORE THE STATE ENGINEER OF OREGON

Josephine County

IN THE MATTER OF THE APPLICATION )  
OF WINNIFRED AND DWIGHT B. )  
TIBBET FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM APPLGATE RIVER. )  
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O R D E R

APPROVING APPLICATION

On April 24, 1959, Winnifred and Dwight B. Tibbett of Route 4, Box 609, Grants Pass, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Applegate River pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, in the matter of the determination of the relative rights of the various claimants to the waters of Rogue River and its tributaries, a water right was established in the name of H. D. Blanchard for the irrigation of 10 acres in the  $W\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$  and 10.2 acres in the  $NW\frac{1}{4}$   $NW\frac{1}{4}$ , Section 20, Township 37 South, Range 5 West, W. M., from Applegate River with a date of priority of February 1899. These lands are irrigated through the Murphy Electric pumping plant, the point of diversion of said pumping plant being located 1550 feet south and 2200 feet east from the northwest corner of Section 21, and being within the  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , said Section 21, Township 37 South, Range 5 West, W. M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of the Tibbet pumping plant, the point of diversion of said pumping plant to be located 917 feet south and 1475 feet east from the northwest corner of Section 20, and being within the  $NE\frac{1}{4}$   $NW\frac{1}{4}$ , said Section 20, Township 37 South, Range 5 West, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Grants Pass, Oregon, on July 30, 1959, beginning

at 10:00 o'clock a.m. The notice was published in the Grants Pass Courier, a newspaper printed and having general circulation in Josephine County, Oregon, for a period of three weeks in the issues of May 14, 21 and 28, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. George W. Thrasher, Watermaster of District No. 16, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Applegate River, to-wit:

From a point located 1550 feet south and 2200 feet east from the northwest corner of Section 21, and being within the  $SE\frac{1}{4}NW\frac{1}{4}$ , said Section 21, Township 37 South, Range 5 West, W. M.,

To a point to be located 917 feet south and 1475 feet east from the northwest corner of Section 20, and being within the  $NE\frac{1}{4}NW\frac{1}{4}$ , said Section 20, Township 37 South, Range 5 West, W. M.,

for the irrigation of 10 acres in the  $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$  and 10.2 acres in the  $NW\frac{1}{4}NW\frac{1}{4}$ , Section 20, Township 37 South, Range 5 West, W. M., with a date of priority of February 1899, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1960 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.


It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices.

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Josephine County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 13th day of August, 1959.

*Noted on Suppl. Findings  
Vol. 13, p. 410*

  
LEWIS A. STANLEY  
State Engineer